

Status of 22 Original Sunshine Reform Proposals
9/19/2007 - Draft

	Staff Directed to Proceed with Implementation	Status
1.	A detailed accounting of all City contracts and expenditures of \$1 million or more shall be made available to the City Council and public, online, no later than 2 weeks prior to being heard. Otherwise, a 2/3 majority vote of the Council would be required to hear an item that was received less than 2 weeks prior to the hearing (Public Information Reform #4).	Complete
	<p>Staff developed an early distribution process whereby memos that meet the criteria are distributed via Information Memos on the Tuesday, 14 days prior to the relevant Council/Board meetings. It should be noted that this approach preceded the review by the Rules Committee of the Council Agenda. This does not however diminish the Committee's approval authority of the agenda. This approach requires that staff verbally note for the Rules Committee, when reviewing the agenda, which items were distributed in the early distribution packet; and, further, that the Rules Committee confirm that the items distributed early be placed on the final agenda.</p> <p>In addition, staff has incorporated cost summary templates in the Cost Implication section of the Council/Board Memo Formats to be used for both construction and professional services. This addresses the direction to include a detailed accounting of these expenditures for the Public and Council. The early distribution packet is posted on-line, upon approval of the final Council Agenda (13 days prior to the Council Meeting.) Update: Item was accepted by the Rules Committee on June 21, 2006 and approved by Council on 7/27/06.</p> <p>SRTF Sunshine Ordinance Phase I Recommendation: Public Meetings The SRTF recommends that staff reports of expenditures of \$1 million or more be distributed 14 calendar days prior to being heard. The requirement for an ancillary body includes distribution of the document 4 calendars days prior to being heard.</p>	
2.	Disclose statistical information on complaints received through the Fraud and Audit Hotline, excluding names and any other confidential information. This information should be reported to the Council (Public Information Reform #7).	Complete
	<p>On August 29, 2006, staff presented the City Council with the first statistical report on the one-year pilot program for the City's Fraud and Audit Hotline. The report contained information on concerns received from City employees and the public that include violation of City Policy, theft, fraud, customer service, safety, or other legal and compliance issues. A report in response to issues raised by Council, during the Fraud & Audit Line Annual Report, will be issued at the end of January. The City will continue to provide annually a "Fraud & Audit Line Annual Report."</p>	
3.	Require Councilmember and appointee Fair Political Practices Commission Statements of Economic Interest (FPPC Form 700) filings (after redacting personal contact information) and Conflict of Interest declarations to be posted and indexed online, including all conflicts outside of the City of San José's jurisdiction (Public Information Reform #8).	March 2008
	<p>The City Clerk's Office is negotiating the continuation agreement with current vendor. The scope currently includes two milestones: 1) Add ability to upload scanned 700 forms to system on or before December 1, 2007 and 2) Implement on-line filing and filer training by March 15, 2008.</p>	

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4.	Any Councilmember claiming a conflict of interest on a vote must publicly disclose the basis of the claim by filing a conflict of interest declaration with the City Attorney and City Clerk 24 hours prior to start of the council meeting at which the item will be heard (Public Information Reform #9).	November 2007
	Staff presented and the Rules Committee approved the revised Commission/Liaison Code of Conduct Policy on May 23, 2007. The Policy is pending Council approval. The policy requires Councilmembers to complete review of all council items and submit conflict of interest declarations to the City Clerk's office 24 hours before council meetings to ensure conflicts have been identified. The City Council took action on May 23, 2006 to expand this requirement to all Boards and Commissions.	
5.	Disclose the calendars of the Mayor and Councilmembers quarterly, redacted for personal information (Public Information Reform #10).	Complete
	<p>SRTF Sunshine Ordinance Phase I Recommendation: Public Information</p> <p>The SRTF recommended that calendars of certain officials be maintained. The City Council approved the SRTF's recommendations for calendaring on August 21, 2007. IT has established the infrastructure to support weekly posting and is currently training lead staff in each elected official's office and administrative assistants in the four appointee offices, and Department Heads regarding new calendar posting requirements and configuring desktop computers (as needed).</p> <p>Calendars will be available on-line no later than September 30, 2007.</p>	
6.	Establish criteria that can be used by the Rules committee to determine if an item is of "significant public interest" and requires additional notification or public outreach consistent with definitions and procedures outlined in City Council Policy 6-30 "Public Outreach Policy for Pending Land Use and Development Proposals" (Public Information Reform #11).	November 2007
	<p>Staff has developed broad criteria for items of Significant Public Interest, which are to be used to define such items: 1) Criteria 1: Requires Council or board action on the use of public funds equal to \$1,000,000 or greater; 2) Criteria 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City; 3) Criteria 3: Consideration of proposed changes to service delivery, program, staffing that may have impacts to community services and have been identified by staff, Council/Board or a community group that requires special outreach. The Public Outreach section of the Council Memo Format has been revised to include a description of the additional notification that would be needed for the item.</p> <p>SRTF Sunshine Ordinance Phase I Recommendation: Public Information</p> <p>The SRTF recommended a Public Engagement Process similar to what's outlined in Council Policy 6-30, "Public Outreach for Land Use/Development Proposals for items of significant community-wide interest. The City Council approved the SRTF's recommendations on August 21, 2007. Staff is drafting a community engagement policy, developing the process/protocols to conduct outreach, and will be conduct education/training to staff in all departments.</p>	

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7.	Post the City Council Policy Manual Online (Public Information Reform #12).	October 2007
	On October 11, 2006, the Rules Committee approved the framework for updating over 120 policies contained in the City Council Policy Manual. This framework provided for policies to fall into three phases: (1) Revise, (2) Validate, and (3) Rescind. On November 8, 2006 the Rule Committee approved recession of 26 policies. Work is underway to start codifying the Council Policy Manual. Phase is complete. On April 18, 2007, the Rules and Open Government Committee approved the process and methodology to validate 31 policies contained in the City Council Policy Manual. As of June 2007, Phase 2 is complete. Staff is currently working with the vendor on posting policies online.	
8.	Provide an annual city-wide budget briefing followed by 4 budget hearings throughout San José, in order to encourage greater community contribution to established City priorities. Appropriate consideration shall be made to ensure that meetings are accessible to the residents of San José in relation to the time, date, and location of the hearings (Neighborhood Participation Reform #2).	Complete
	The 2006-2007 Proposed Operating Budget was released on May 1, 2006. Study sessions were held in May and were open to the public. A Budget Study Session was held in March and four public hearings were held in June. To implement this reform staff conducted six additional public meetings at community locations in May and early June 2006. Three of these meetings were advertised in local English, Spanish, and Vietnamese media. Three additional budget presentations were given to NAC leaders, SNI PAC, and at the Sikh Temple in Evergreen.	
9.	Require the City Council and Redevelopment Agency to hold Public Priority Setting Hearings in the beginning of odd years to coincide with City Councilmember appointments to standing committees (Neighborhood Participation Reform #3).	Complete
	This Reform has been superceeded by the Reed Reform on Neighborhood Priority Setting Session.	
10.	Require notification to City commissions when items originating in the commission are being heard by the Council (Neighborhood Participation Reform #4).	Complete
	The City Manager's Office (CMO) revised its Council Agenda process & Council memo guidelines and provided training from June - September 2006 and on a continuous basis on various Sunshine Reforms. Staff is ensuring that this coordination does take place, and CMO is quality checking by ensuring that in the coordination section of memos this is reflected when appropriate.	
11.	Expand the speaking time from 2 minutes to 4 minutes for "Neighborhood Group or Community Association Designees" (City Council Policy 6-30) or those subject to an eminent domain action, clarify the speaking time allowed to a representative from an advisory commissions, and create a strategy to address recently identified challenges to public participation for those with disabilities (Neighborhood Participation Reform #5).	TBD

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	<p>Sunshine Ordinance Phase I: Public Meetings</p> <p>The SRTF is recommending, "to facilitate public input, the policy body or ancillary body may adopt reasonable rules including, but not limited to, time allocated for public testimony on particular issues and for each individual speaker. Any group of two or more persons that wishes to make a public comment where one other member of the group yields his or her time must be permitted to speak for a maximum of four (4) minutes. Time limits must be applied uniformly to all members of the public."</p>	
12.	<p>City Manager and Department Staff Reports for expenditures of \$1 million or more and "Significant Public Interest" agenda items shall provide the following: (a). a new section entitled, "Policy Alternative Recommendations" that lists all the viable city staff options that have been discussed, but were not recommended by the City Manager or Department staff; (b). a brief description of the reasons the alternative was rejected, (c). a cost-benefit analysis and economic impact report to include, but not limited to, the following: how the expenditure aligns with and affects the City's policy goals, fiscal priorities, long term strategy, and economic development goals and priorities (Government Accountability Reform #3).</p>	Complete
	<p>In June 2006, the Council approved an implementation strategy which included the addition of a new section in the Council Memo entitled Policy Alternatives. This section notes the various options explored by staff, the pros and cons of each and the reason that staff is not recommending that specific option. In regards to the Cost Benefit analysis, Council recently approved at the August 21 City Council Meeting the incorporation of all of the Sunshine Reform Task Force Recommendations into the Council adopted Cost-Benefit Analysis Pilot Program.</p>	
13.	<p>Require every Staff memo to have a City staff contact for public questions (Government Accountability Reform #4).</p>	Complete
	<p>Directive incorporated into Council memorandum template.</p>	
14.	<p>Establish a single City of San Jose's Master Online Calendar where all city activities, events and meetings of committees, boards, commissions and advisory bodies and events are posted (Public Information Reform #2).</p>	October 2007
	<p>The Master Calendar is a web page that looks like a calendar. It provides detailed information about all Brown-Acted meetings taking place within City Government. Members of the public can go to the Master Calendar website and subscribe to different portions of the calendar, so that they will be notified via email of any changes or cancellations. A built-in search function allows users to find events based on key-word, location, date, or any combination of the three. Finally, if citizens' sign up for the Master Calendar's RSS feed, they can get real-time alerts on their desktop when events change.</p>	

Referred to Sunshine Reform Task Force

15.	Require a detailed line-item budget to be posted online and provided to the City Council as part of budget deliberations (Public Information Reform #1).
	The SRTF is considering during Phase II, Administration and Accountability provisions.
16.	All City Council agenda items and relevant background materials (items submitted as part of the public record) shall be posted on the Master On Line Calendar and indexed by 5:00 pm on the Thursday prior to the Council meeting at which the item will be heard. Councilmembers should make every effort to provide the Council and public with memoranda they generate by 5:00pm on the Monday prior to a public hearing (Public Information Reform #3).
	Sunshine Ordinance Phase I: Public Meetings The SRTF is recommending for all Policy bodies that staff reports be submitted 10 calendar days in advance and all supplementals 5 calendar days in advance. Council members would be required to submit memoranda they generate 4 calendar days in advance with no more than 2 signatories. For ancillary bodies, all staff reports would be due 4 days in advance and all supplementals 2 days in advance. Council members would be required to submit memoranda they generate 2 calendar days in advance with no more than 2 signatories. See #14 above for an update on the Master Calendar.
17.	Documents subject to a public records request and made available to any member of the public, including the media, should simultaneously be made available to the public by posting on the City's website in the responsible department's public records web pages and indexed in a user-friendly way so that a search of the City website will find the public documents. If posting this information is administratively burdensome than instructions should be posted online for any member of the public who is interested getting the information directly from Clerk's office (Public Information Reform #5).
	The SRTF is considering during Phase II, Public Records provisions.
18.	All California Public Records Act (CPRA) and Freedom of Information Act (FOIA) requests shall be posted and indexed on the City website within 72 hours of receipt. Responses shall be posted within 30 days of release. If posting this information is administratively burdensome than instructions should be posted online for any member of the public who is interested getting the information directly from Clerk's office (Public Information Reform #6).
	The SRTF is considering during Phase II, Public Records provisions.
19.	To the extent that an RFQ has a land use component, there should be community representation included on the review panel. Community representatives would be appointed by the City Council. Recently, the City established the RFP integrity guidelines in an effort to strengthen the credibility of the City's RFP review process. Staff should explore other options for expanding neighborhood participation and ensuring transparency in this process (Neighborhood Participation Reform #1).

Referred to Sunshine Reform Task Force

“Other Option for Expanding Neighborhood Participation”

SRTF Sunshine Ordinance Phase I Recommendation: Public Information

The SRTF recommended a Public Engagement Process similar to what’s outlined in Council Policy 6-30, “Public Outreach for Land Use/Development Proposals for items of significant community-wide interest. The City Council approved the SRTF’s recommendations on August 21, 2007. Staff is drafting a community engagement policy, developing the process/protocols to conduct outreach, and will be conduct education/training to staff in all departments.

- 20. The administration shall put forth a model of third-party/independent review, such as an Office of Management Budget (OMB)/Legislative Affairs Office (LAO), for Council items of “Significant Public Interest” in order to gain the benefits of comprehensive policy analysis (Government Accountability Reform #1).**

See #12 above.

- 21. Research and report the cost of instituting/acquiring a City Service accountability model, such as CitiStat in Baltimore, MD, in time for FY 06-07 budget discussions. Special attention should be paid to San José's diversity and multiple language requirements, in order to make the information available and understandable to the greatest number of residents. See City Council Policy 6-30-Public outreach for definitions and procedures (Government Accountability Reform #2).**

“Management Partners” completed an analysis of Citistat in large local governments and presented this work to the Mayor in June 2007. “Management Partners” determined that San Jose has taken two major steps at policy level: adoption of key City priorities and assignment of performance measures to Council committees to assess performance in the future. It was recommended that the new City Manager build on these initiatives to establish an effective management reporting system.

- 22. City Council and committee meeting minutes must more accurately reflect the actual meeting discussions and public meeting videos should be immediately available after the meeting on the city web and for off site meetings or technical reasons not later than 3 days after the meeting (Government Accountability Reform #5).**

SRTF Sunshine Ordinance Phase I Recommendation: Public Meetings

"All open meetings of the City Council, Redevelopment Agency Board, Rules and Open Government Committee, Planning Commission, and Elections Commission must be video recorded. Any other policy body must record its open and public meetings with an audio recorder. Any ancillary body must either record its open meetings with an audio recorder or prepare action minutes. All recordings of open meetings of a policy body or ancillary body must be retained for two (2) years and be available to the public."